

UNITED STATES DISTRICT COURT

for the
District of Nebraska**FILED**
US DISTRICT COURT
DISTRICT OF NEBRASKA

AUG 29 2014

OFFICE OF THE CLERK

In the Matter of the Search of

723 N 41st Ave, Omaha, NE; white three car garage at
3206 Leavenworth Street, Omaha, NE; 2005 Black
Honda Accord; 1995 Ford F-150; 2001 BMW X5

Case No. 8:14 mj 199

SEALED

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

723 N 41st Ave, Omaha, NE; white three car garage at 3206 Leavenworth Street, Omaha, NE; 2005 Black Honda Accord, Nebraska Reg. TKL 323; 1995 Ford F-150, Nebraska Reg. TLI 250; 2001 BMW X5, Nebraska Reg. TPE 695

located in the _____ District of _____ Nebraska, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

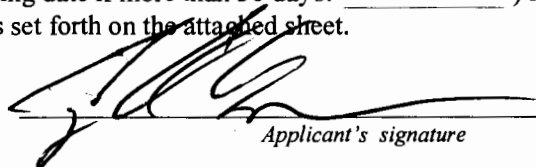
The search is related to a violation of:

Code Section
21 USC 841, 846 & 952

Offense Description
Possession with intent to distribute controlled substance; Conspiracy to possess with intent to distribute controlled substance; Importation of a controlled substance

The application is based on these facts:
See Attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Craig Allrich

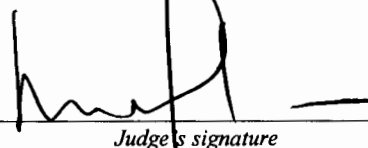
Printed name and title

Sworn to before me and signed in my presence.

Date:

8/29/14

City and state: Omaha, Nebraska

Judge's signature

Magistrate Judge Thomas D. Thalken

Printed name and title

ATTACHMENT B
ITEMS TO BE SEIZED

- a. Controlled substances;
- b. Items of personal property tending to establish the origin and transport of controlled substances, including bills, receipts, ledgers, maps, business cards, catalogues, pamphlets, flyers, letters, telephone bills, address books, business cards, rolodexes, photographs, videos, and documents reflecting communications regarding illegal distribution of controlled substances;
- c. Books, records, receipts, account receivables and payables, notes, ledgers and other papers relating to the distribution of controlled substances;
- d. Notes, records or receipts relating to the payment, receipt, concealment, acquisition, ownership, transfer, or movement of assets;
- e. Items of personal property which tend to identify the person(s) in control, possession, or ownership of the property that is the subject of this application, including but not limited to personal telephone books, address books, telephone bills, and other items reflecting names, addresses, telephone numbers that document association among and between the targets and associates involved in drug trafficking;
- f. Currency in amounts greater than \$500;
- g. Electronic and/or digital communication devices, including but not limited to digital paging devices, cellular telephones and tablets;
- h. Paraphernalia for manufacturing, distributing, packaging, concealing, unloading and weighing of controlled substances, including scales, measuring devices, tools and packaging materials

A F F I D A V I T

I, Craig Allrich, being duly sworn, hereby state that:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been a Special Agent with HSI, previously U.S. Immigration and Customs Enforcement (ICE), since March 2009. Prior to that, from 1998 to 2009, I was an Intelligence Office in the United States Army. I am currently assigned to the HSI office in Omaha, Nebraska.
2. I have received training pertaining to drug trafficking, money laundering, and surveillance procedures at the Federal Law Enforcement Training Center in Glynco, Georgia. I have been involved in investigations dealing with the possession, distribution, and importation of controlled substances and bulk currency smuggling. Through these investigations, my training and experience, and conversations with other agents and law enforcement personnel, I have become more familiar with methods used by drug traffickers to smuggle, safeguard and distribute narcotics, and to conduct bulk currency smuggling activities.
3. Because the purpose of this affidavit is to set forth only the facts necessary to establish probable cause for the issuance of a search warrant, I have not described all the facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in substance and in pertinent part.
4. The following information has been related to me by HSI Special Agents, other law enforcement officers, or is known to me by my own personal observations. Your Affiant seeks the issuance of a search warrants to be executed on the following residences and vehicles, which are further described in ATTACHMENT 'A':

- a. 723 N 41st Ave, Omaha, Nebraska. (referred to as **Residence 1**)
 - b. A three car garage behind “Let’s Seal the Deal” auto dealership at 3206 Leavenworth Street, Omaha, Nebraska. (referred to as **Business 1**)
 - c. 2005 Black Honda Accord with Nebraska Registration TKL 323; registered to a Antonio Ortiz-Monzon at 3104 Hascal Street #7, Omaha, Nebraska (referred to as **Vehicle 1**)
 - d. 1995 Ford F-150 with Nebraska registration TLI 250; registered to a Antonio Ortiz-Monzon at 3014 S Street, Omaha, Nebraska (**Vehicle 2**)
 - e. 2001 BMW X5 with Nebraska registration TPE 695; registered to a Rolando Cocova at 6045 South 35th Street, Omaha, Nebraska; previously registered to a Antonio Ortiz-Monzon at 4724 Seward Street, Omaha, Nebraska (**Vehicle 3**)
5. On August 28, 2014, HSI Omaha Special Agents conducted surveillance at 723 N 41st Avenue, Omaha, **Residence 1**, in furtherance of a narcotics investigation. HSI Omaha Special Agents observed a **Vehicle 1** in the driveway of **Residence 1**. At approximately 12:00 p.m., **Vehicle 2** arrived at **Residence 1** and was occupied with two males, later identified as Freddy PORTILLO AGUILAR, the driver, and Jose Maria SALAZAR VILLALBA, the passenger. At approximately 12:30 p.m., SALAZAR VILLALBA departed **Residence 1** driving **Vehicle 2**. HSI Omaha followed **Vehicle 2** from **Residence 1** to **Business 1**. At approximately 12:45 p.m., HSI Omaha Special Agents observed PORTILLO AGUILAR remove **Vehicle 3** from the detached-garage at **Residence 1**. At approximately 12:52 p.m., HSI Omaha agents observed **Vehicle 3**, with PORTILLO AGUILAR driving, arrive at **Business 1**.

6. At approximately 1:13 PM, HSI Omaha agents observed both PORTILLO AGUILAR and SALAZAR VILLALBA depart **Business 1** in **Vehicle 2**, with PORTILLO AGUILAR driving and SALAZAR VILLALBA in the passenger seat. **Vehicle 2** drove in a manner consistent with counter surveillance (the vehicle did not take the most direct route, the vehicle drove through a park, around a mall in a circuitous route). At approximately 1:45 PM, HSI Omaha agents observed **Vehicle 2** at the Hawthorn Suites, located at 306 S 108th Street, Omaha, Nebraska. A short time later, HSI Omaha agents observed **Vehicle 2** depart the Hawthorne Suites and travel directly to a gas station in the area of 108th Street and Old Mill Road. A short time later, HSI Omaha agents observed **Vehicle 2** travel southbound on 108th Avenue past the Hawthorne Suites and into an adjacent church parking lot. **Vehicle 2** circled the parking lot and then departed the area. Through training and experience, your Affiant believes this pattern of driving to be consistent with counter surveillance. After circling the church parking lot, **Vehicle 2** again departed the area northbound in front of the Hawthorn Suites and out of the immediate area.
7. At approximately 2:50 PM, HSI Omaha agents observed **Vehicle 2** return to the Hawthorn Suites. **Vehicle 2** traveled around the north side of the hotel and parked in the rear (west) side of the building, out of view from the public street (108th Avenue). HSI Omaha agents observed SALAZAR VILLALBA and PORTILLO AGUILAR enter the hotel.
8. At approximately 3:10 PM, HSI Omaha agents observed PORTILLO AGUILAR depart the Hawthorn Suites in **Vehicle 2** and SALAZAR VILLALBA depart in a silver, 2005

BMW X5 bearing California licenses plate 7EFR395 (**Vehicle 4**). **Vehicle 2** and **Vehicle 4** departed the Hawthorn Suites in tandem. HSI Omaha agents conducted surveillance on both vehicles. At approximately 3:50 PM, Omaha Police Department (OPD) K9 Officer Troy Liebe conducted a probable cause traffic stop on **Vehicle 4** near 87th and Blondo Streets in Omaha, Nebraska. HSI Omaha agents continued surveillance on **Vehicle 2**.

9. At approximately 4:00 PM, HSI Omaha conducted a traffic stop on **Vehicle 2** near 66th and Bedford Avenue in Omaha, Nebraska. PORTILLO AGUILAR exited the **Vehicle 2** and fled on foot. HSI Omaha agents took PORTILLO AGUILAR into custody a short distance away. PORTILLO AGUILAR was taken into immigration custody and transported to ICE for processing.
10. During a previous surveillance operation, on August 26, 2014, HSI Omaha agents observed PORTILLO AGUILAR arriving at and departing from **Residence 1** numerous times. Additionally, during a Mirandized interview of SALAZAR VILLALBA, he told HSI Special Agents that PORTILLO AGUILAR resides at **Residence 1**, and that drugs are “stored at this house.”
11. Record checks on **Vehicle 4** indicated that Danielle ERICKSON drove **Vehicle 4** across the Mexican border on August 23, 2014. A consensual search of **Vehicle 4** resulted in the discovery of multiple kilograms of cocaine, located in a non-factory compartment located near the gas tank of the vehicle.
12. HSI agents conducted a Mirandized interview of SALAZAR VILLALBA. SALAZAR VILLALBA told HSI Special Agents that PORTILLO AGUILAR rented the garage located in the rear of the business at **Business 1**. SALAZAR VILLALBA told agents that

he was going to drive **Vehicle 4** to **Business 1** so that SALAZAR VILLALBA and PORTILLO AGUILAR could remove the cocaine from the non-factory compartment. On previous narcotics loads PORTILLO AGUILAR would drive **Vehicle 2** to **Business 1** with narcotics in the **Vehicle 2** to pick up SALAZAR VILLALBA to deliver narcotics around Omaha. According to the SALAZAR VILLALBA, PORTILLO AGUILAR rents **Business 1**, and SALAZAR VILLALBA has stayed at **Business 1**, as authorized by PORTILLO AGUILAR. Per open source records, **Business 1** is owned by Brandon Carter. Following his arrest, agents found a piece of paper on PORTILLO AGUILAR showing that "first month rent and deposit for \$2,000 was paid on 8-2-14" to Louis Carter.

13. Based on my training and experience, I have learned the following as it pertains to drug smuggling:
 - a. Trafficking of large quantities of controlled substances requires the cooperation and association of numerous individuals within a narcotic distribution organization. As a result, persons who traffic in controlled substances will often possess documents that will identify other members of the organization.
 - b. I am aware that drug traffickers typically keep records of narcotic transactions and often maintain telephone and address books, telephone bills and other paperwork documenting the names and addresses of coconspirators, as well as telephone numbers and pager numbers of same. Individuals involved in narcotics trafficking frequently use digital pagers and cellular telephones, and it is common to use codes in communications between coconspirators.

- c. Traffickers also use packaging materials such as boxes, hand held bags, suitcases, and plastic bags as containers to conceal controlled substances or narcotics proceeds.
- d. Drug traffickers almost always use fictitious names, addresses, telephone numbers, and other identifying information.
- e. I am aware that traffickers utilize multiple locations to conduct their narcotics trafficking activities to include storage of organization vehicles.
- f. I am also aware that drug traffickers often maintain large quantities of cash on hand and they frequently conduct financial transactions with proceeds from the distribution of controlled substances and maintain records of such transaction in vehicles or residences to which they have access.

The items to be seized are evidence, fruits and instrumentalities of violations of Title 21 United States Code, Section 841(a)(1), Possession with Intent to Distribute a Controlled Substance, to wit, Methamphetamine, Section 846, Conspiracy to Possess with Intent to Distribute, and Section 952, Importation of a Controlled Substance, specifically:

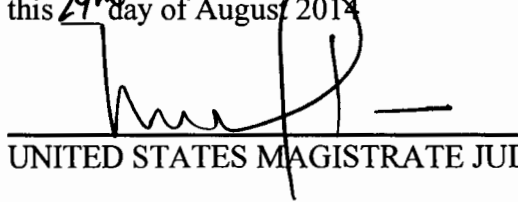
- a. Controlled substances
- b. Items of personal property tending to establish the origin of the item listed above, including bills, receipts, ledgers, maps, business cards, catalogues, pamphlets, flyers, letters, telephone bills, address books, business cards, rolodexes, photographs, videos, and documents reflecting communications regarding illegal distribution of methamphetamine;

- c. Books, records, receipts, account receivables and payables, notes, ledgers and other papers relating to the distribution of controlled substances transfers, and cashier's checks relating to the payment, receipt, concealment, transfer, or movement of assets;
 - d. Items of personal property which tend to identify the person(s) in control, possession, and ownership of the property that is the subject of this application, limited to personal telephone books, address books, telephone bills, and other items reflecting names, addresses, telephone numbers that document association among and between the targets and associates involved in drug trafficking;
 - e. Cash and currency in amounts greater than \$500;
 - f. Seize Electronic and/or digital communication devices, limited to digital paging devices, cellular telephones and tablets;
 - g. Paraphernalia for manufacturing, distributing, packaging, and weighing of methamphetamine, including scales, measuring devices and packaging materials;
14. Based on the foregoing facts and my training, experience, and conversations with other law enforcement officers, I conclude that there is probable cause to believe that the fruits, evidence and instrumentalities of violations of Title 21, United States Code, Section 841(a)(1), Section 846, and Section 952, will be found at Residence 1, Residence 2, Vehicle 1, Vehicle 2 and Vehicle 3.
15. Based on the time sensitivity I am also requesting night service of the search warrant.
- The traffic stop of **Vehicle 4** occurred at 4:00 PM, the search of the vehicle and subsequent discovery of the cocaine moved the investigation into the evening hours.
- Members of the organization and family members of PORTILLO AGUILAR may have

access to evidence in **Residence 1, Business 1 and Vehicle 2, 3, and 4.** PORTILLO AGUILAR has requested on multiple occasions to contact his wife before talking with Special Agents.


Craig Allrich, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
this 29th day of August 2014


UNITED STATES MAGISTRATE JUDGE



Attachment A

Description of Premises to be Searched

723 N 41st Ave, Omaha, Nebraska.

A single family two level home with a detached garage. The home faces Northwest with concrete stairs leading to a brown front door with a white screen/storm door. The house is white with brown trim around the windows, the number 723 are listed to the right of the front door.



3206 Leavenworth Street, Omaha, Nebraska

“Let’s Seal the Deal” referred to as Business 1, is fenced car lot with a single story business and a white, three-car garage in the rear of the property. PORTILLO AGUILAR rents the three car garage portion of this business.

